

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2015 JAN 21 PM 2:28

CLERK *J. The*
SO. DIST. OF GA.

UNITED STATES OF AMERICA

v.

NICKLAUS ANTONIO HUDSON

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CR 309-011

O R D E R

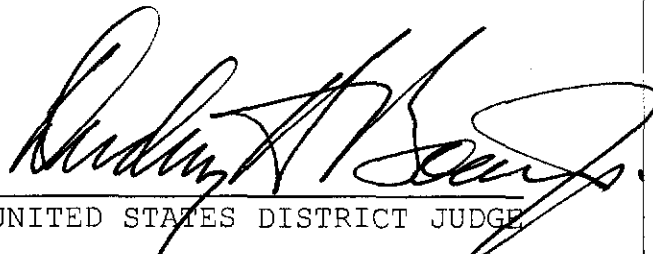
Presently before the Court is Defendant Nicklaus Antonio Hudson's motion to proceed *in forma pauperis*¹ and for free copies of transcripts in this criminal proceeding. The record indicates that neither Hudson's guilty plea nor sentencing hearings have been transcribed.

Hudson indicates that he needs the transcripts to "collaterally contest my Federal Sentence." (Doc. No. 25, at 2.) An *in forma pauperis* habeas petitioner may be entitled to receive copies of trial transcripts with the cost to be paid by the Government if the trial judge certifies that the habeas petition is not frivolous and that the transcript is needed to decide the issues presented. 28 U.S.C. § 753(f); see also Hansen v. United States, 956 F.2d 245, 248 (11th Cir. 1992); Walker v. United States, 424 F.2d 278, 278-79 (5th Cir. 1970)

¹ The record indicates that Hudson is indigent; he was appointed an attorney under the Criminal Justice Act.

(stating that "[a] federal prisoner is not entitled to obtain copies of court records at Government expense for the purpose of searching the record for possible error"). Here, Hudson has not filed a petition for collateral or habeas relief. In fact, the present motion comes five years after he was sentenced, which far exceeds the statute of limitation for bringing a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. See 28 U.S.C. § 2255(f) (providing that a motion must be brought within one year of "the date on which the judgment of conviction becomes final"). Thus, this Court cannot make the necessary certification to allow transcripts at the Government's expense. Hudson's motion for transcripts (doc. no. 25) is therefore **DENIED.**²

ORDER ENTERED at Augusta, Georgia, this 21st day of January, 2015.


UNITED STATES DISTRICT JUDGE

² The court reporter has given Hudson an estimate for the transcription of each hearing. If Hudson wishes to pay for a transcript, he should send payment to and make arrangements with the court reporter.